

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

JUAN CARLOS VERDUSCO-MACIAS
 a/k/a JUAN VERDUSCO MACIAS
 a/k/a JUAN MACIAS VERDUSCO
 a/k/a JUAN CARLOS VERUSCO
 a/k/a JUAN VERDUSCO
 a/k/a JUAN C. MACIAS

Venue: San Francisco
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 CRIMINAL COMPLAINT
 CASE NUMBER:

FILED
AUG 8 2008

D ORIGINAL

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BZ

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about November 21, 2007 in Marin County, in the Northern District of California the defendant,

JUAN CARLOS VERDUSCO-MACIAS (a/k/a JUAN CARLOS VERDUSCO, JUAN MACIAS VERDUSCO, JUAN CARLOS VERUSCO, JUAN VERDUSCO, JUAN C. MACIAS and JUAN VERDUSCO MACIAS), an alien, after having been removed, excluded, and deported from the United States, was thereafter found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a Supervisory Detention & Deportation Officer and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

PENALTIES: Imprisonment for not more than 20 years, a fine of not more than \$250,000.00, a \$100.00 dollar special assessment, and 3 years supervised release.

APPROVED AS TO FORM: [Signature]
 ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: Yes No

Warrant of Arrest Requested: Yes No

Bail Amount: NO BAIL

Roger Kavner
 Signature of Complainant

Sworn to before me and subscribed in my presence,

Date 8 Aug 08 at San Francisco, California
 City and State

Honorable Bernard Zimmerman
 United States Magistrate Judge

Name & Title of Judicial Officer

Bernard Zimmerman
 Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA)
 CITY AND COUNTY OF SAN FRANCISCO) ss, AFFIDAVIT
)

I, Polly E. Kaiser, Supervisory Detention and Deportation Officer, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against JUAN CARLOS VERDUSCO-MACIAS (a/k/a JUAN MACIAS VERDUSCO, JUAN CARLOS VERUSCO, JUAN VERDUSCO, JUAN C. MACIAS and JUAN VERDUSCO MACIAS), for violating 8 U.S.C. § 1326. The facts set forth in this Affidavit are based on my review of VERDUSCO-MACIAS'S official Immigration file (No. A92 187 639), my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all of the facts related to VERDUSCO-MACIAS that I know.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Supervisory Detention and Deportation Officer with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately a week, before that I was a Deportation Officer with ICE for over 5 years. I am currently assigned to ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

III. APPLICABLE LAW

3. Title 8 U.S.C. § 1326 provides criminal penalties for "any alien who . . . has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act"

IV. FACTS ESTABLISHING PROBABLE CAUSE

4. JUAN CARLOS VERDUSCO-MACIAS, a/k/a JUAN MACIAS VERDUSCO, JUAN CARLOS VERUSCO, JUAN VERDUSCO, JUAN C. MACIAS and JUAN VERDUSCO MACIAS is a 30 year-old male who is a native and citizen of Mexico. VERDUSCO-MACIAS was deported from the United States to Mexico on January 25, 2007, September 25, 2006, June 7, 2005, March 22, 2004 and January 15, 2003.

5. VERDUSCO-MACIAS last entered the United States illegally in April 2007 by voluntarily crossing into California through the international border with Mexico by foot. VERDUSCO-MACIAS knowingly remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the United States Secretary of Homeland Security.

6. The official Immigration file for VERDUSCO-MACIAS contains four executed Warrants of Removal and one Verification of Departure. The Warrants of Removal are dated September 25, 2006, June 7, 2005, March 22, 2004 and January 15, 2003. The Verification of Removal is dated January 25, 2007. These are the five dates when VERDUSCO-MACIAS was deported from the United States to Mexico.

7. On or about November 21, 2007, an Immigration and Customs Enforcement (ICE) agent encountered VERDUSCO-MACIAS pursuant to his incarceration in San Quentin State Prison in Marin, California on unrelated charges. On the same date, ICE agent Anthony Taitague placed an ICE detainer on VERDUSCO-MACIAS.

8. On August 1, 2008, ICE Agent Byoung Park interviewed VERDUSCO-MACIAS at the ICE San Francisco District Office located in San Francisco, California. After VERDUSCO-MACIAS was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, he admitted that his true name is JUAN CARLOS VERDUSCO MACIAS. VERDUSCO-MACIAS admitted that he is a citizen and national of Mexico and that he had been previously deported from the United States. He also admitted that he illegally reentered the United States in 2007 without first obtaining permission to re-enter after his last deportation.

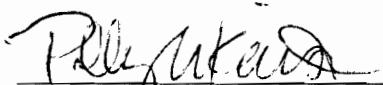
9. On August 1, 2008, at the ICE San Francisco District Office, VERDUSCO-MACIAS'S fingerprints and photos were submitted into the Auto Biometric Identification System (IDENT). IDENT information confirmed VERDUSCO-MACIAS'S identity under Fingerprint Identification Number (FINS) 13696814.

10. On August 6, 2008, a full set of rolled fingerprints belonging to VERDUSCO-MACIAS was submitted to the Automated Fingerprint Identification Center ("AFIS"), for further verification of the identity. Along with the full set of prints belonging to VERDUSCO-MACIAS, the single print appearing on each of the four Warrants of Removal (executed September 25, 2006, June 7, 2005, March 22, 2004 and January 15, 2003) and the single Verification of Removal (executed January 25, 2007) for VERDUSCO-MACIAS were all submitted for comparison. The fingerprint examiner positively identified the fingerprints as belonging to the same JUAN CARLOS VERDUSCO MACIAS who had previously been removed from the United States on January 25, 2007, June 7, 2005 and January 15, 2003. The prints appearing on the Warrants of Removal executed September 25, 2006 and March 22, 2004 could not be verified at this time due to poor quality. They have been submitted for further examination.

11. There is no indication in ICE's official files that VERDUSCO-MACIAS has applied for or been granted the requisite permission to reenter the United States from either the Attorney General of the United States or the Secretary of Homeland Security.

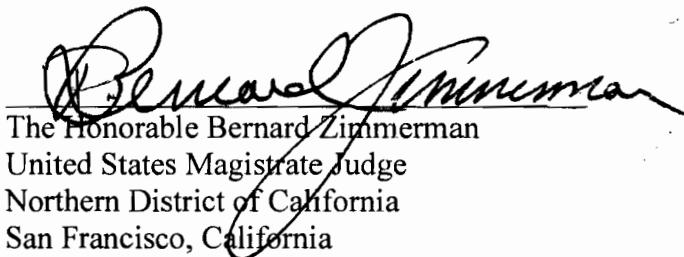
V. CONCLUSION

12. On the basis of the above information, I submit that probable cause exists to believe that JUAN CARLOS VERDUSCO-MACIAS (a/k/a JUAN MACIAS VERDUSCO, JUAN CARLOS VERUSCO, JUAN VERDUSCO, JUAN C. MACIAS and JUAN VERDUSCO MACIAS) illegally reentered the United States following deportation, in violation of 8 U.S.C. § 1326.



Polly E. Kaiser
Supervisory Detention and Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
San Francisco, California

Subscribed and sworn to before me this 8 day of August, 2008.



The Honorable Bernard Zimmerman
United States Magistrate Judge
Northern District of California
San Francisco, California